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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
CUONG MACH BIN TIEU,
Defendant.

No. CR 11-0097-CRB

**~~PROPOSED~~ ORDER OF DETENTION
OF DEFENDANT CUONG MACH
BINH TIEU**

The defendant came before this Court on March 16, 2011 for a detention hearing. The defendant was present and represented by Richard Mazer. Assistant United States Attorney Aaron Wegner represented the United States.

The government requested detention, submitting that no condition or combination of conditions would reasonably assure the safety of the community.

Upon consideration of the Pretrial Services report, the court file and the party proffers as discussed below, the Court finds by clear and convincing evidence that no condition or

1 combination of conditions will reasonably assure the safety of any other person and the
2 community. The Court orders the defendant detained.

3 The present order supplements the Court's findings at the detention hearing and serves as
4 a written findings of fact and statement of reasons as required by 18 U.S.C. § 3142(I).

5 The Bail Reform Act of 1984, 18 U.S.C. §§ 3141-50, sets forth the factors which the
6 Court must consider in determining whether pretrial detention is warranted. In coming to its
7 decision, the Court has considered those factors, paraphrased below:

- 8 (1) the nature and seriousness of the offense charged;
- 9 (2) the weight of the evidence against the person;
- 10 (3) the history and characteristics of the person including, among other considerations,
11 employment, past conduct and criminal history, and records of court appearances; and
- 12 (4) the nature and seriousness of the danger to any person or the community that would
13 be posed by the person's release.

14 18 U.S.C. § 3142(g).

15 After hearing the proffers of both parties, the Court finds that the government has shown
16 by clear and convincing evidence that no combination of conditions will assure the safety of the
17 community. In considering all of the facts and proffers presented at the hearing, the Court finds
18 the following factors among the most compelling in reaching its conclusion:

19 First, the defendant was previously convicted of second degree murder in 1989.

20 Second, the defendant was on federal probation during the criminal conduct alleged
21 against him in this case and a warrant has been issued for his arrest based on the probation
22 violation.

23 Third, the government has proffered that the defendant participated in multiple drug
24 deals, including deals for cocaine, methamphetamine, and ephedrine, as part of his criminal
25 conduct in this case.

26 Fourth, the government has proffered that in an recent interview with the San Jose Police
27 Department, the defendant admitted that he met with a murder suspect in July 2009 and
28 facilitated the suspect's attempt to flee the United States.

1 These factors, among others adduced at the hearing, clearly and convincingly demonstrate
2 that if released the defendant would be a danger to the community.

3 Accordingly, pursuant to 18 U.S.C. § 3142(I), IT IS ORDERED THAT:

4 (1) the defendant is committed to the custody of the United States Marshal's Office for
5 confinement in a corrections facility; and

6 (2) the defendant be afforded reasonable opportunity for private consultation with his
7 counsel.

8 06/17/2011

9 Dated: ~~March~~ June, 2011

